

Reply to Office Action dated November 14, 2008

### **REMARKS**

Claims 1, 4 and 10-13 are pending in this application. By this Amendment, claims 1, 10 and 11 are amended and claims 5-9 are canceled without prejudice or disclaimer. Various amendments are made for clarity and are unrelated to issues of patentability.

Entry of the amendments is proper under 37 C.F.R. §1.116 because the amendments: (1) place the application in condition for allowance; (2) do not raise any new issues requiring further search and/or consideration; and/or (3) place the application in better form for appeal, should an appeal be necessary. More specifically, the above amendment merely incorporates features of dependent claims 2-3 into independent claim 1. Since these features have been previously examined, no new issues are raised. Entry is thus proper under 37 C.F.R. §1.116.

The Office Action rejects claims 1-4 and 11-13 under 35 U.S.C. §102(e) by newly-cited U.S. Patent Publication 2002/0172217 to Kadaba et al. (hereafter Kadaba). The Office Action also rejects claim 10 under 35 U.S.C. §103(a) over Kadaba in view of newly-cited U.S. Patent Publication 2003/0157953 to Das. The rejections are respectfully traversed with respect to the pending claims.

Independent claim 1 recites receiving packet transmission control information in a base station, the received packet transmission control information including a boost identifier to identify boost operation. Independent claim 1 also recites determining a power of a transmission signal to be transmitted from the base station via the forward-acknowledgement channel (F-ACKCH) using an increment for a reference transmission power value of a boost mode when the packet transmission control information contains the boost identifier to identify the boost

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operation. Independent claim 1 also recites that the increment for the reference transmission power value is determined based on a sub-packet identification (SPID) or a service data unit length (SDU\_length) transmitted via a reverse-packet data control channel, and wherein the power of the transmission signal to be transmitted via the forward-acknowledgement channel (F-ACKCH) is determined by adding the increment to the reference transmission power value of the boost mode when the signal is an acknowledgement (ACK) signal

The applied references do not teach or suggest at least these features of independent claim 1. The Office Action cites Kadaba's paragraph [0036] as teaching an increment for a reference transmission power. However, Kadaba describes that a F\_UCACH has a 2.5 ms frame length, and in the interval, one bit indicates an acknowledge (ACK)/negative acknowledge (NACK) of a data burst and a second bit specifies a rate adjustment (either power up or power down). Accordingly, Kadaba merely describes that a bit may identify to power or power down. This does not teach or suggest adding an increment to a reference transmission power value of a boost mode when the signal is an acknowledge signal, as recited in independent claim 1. Kadaba does not suggest any type of adding of the second bit.

For at least these reasons, Kadaba does not teach or suggest all the features of independent claim 1. Das does not teach or suggest the features of independent claim 1 missing from Kadaba. Independent claim 1 therefore defines patentable subject matter.

Each of the dependent claims depends from independent claim 1 and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

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### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1, 4 and 10-13 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
KED & ASSOCIATES, LLP



David C. Oren  
Registration No. 38,694

P.O. Box 221200  
Chantilly, Virginia 20153-1200  
(703) 766-3777 DCO/kah

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**Please direct all correspondence to Customer Number 34610**